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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/039,031  | 01/04/2002  | David A.E. Wall      | Y0ZO118402          | 2310             |
| 26389   | 7590        | 08/29/2006           | EXAMINER            |                  |
| CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC<br>1420 FIFTH AVENUE<br>SUITE 2800<br>SEATTLE, WA 98101-2347 |             |                      | ZAND, KAMBIZ        |                  |
|   |             | ART UNIT             | PAPER NUMBER        | 2132             |

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/039,031             | WALL, DAVID A.E.    |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Kambiz Zand            | 2132                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on RCE filed on 07/13/2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8, 10-29, 31-40, 42-45 and 47-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8, 10-29, 31-40, 42-45 and 47-49 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

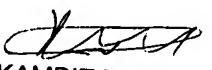
#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



KAMBIZ ZAND  
PRIMARY EXAMINER

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/13/2006 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
3. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
4. Claims 9, 30, 41 and 46 have been cancelled.
5. Claims 1, 10-12, 19, 31-33, 37 and 42-44 have been amended.
6. New claims 47-49 have been added.
7. Claims 1-8, 10-29, 31-40, 42-45 and 47-49 are pending.

***Response to Arguments***

8. Applicant's arguments filed 07/13/2006 & 08/02/2006 have been fully considered but they are moot in view of new ground of rejection only, since the applicant have not

provided no substantial arguments with respect to the amended claims, only claiming in general that they are allowable over prior art.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

10. **Claims 19-29, 31-40, 42-45 and 47-49** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 19-29, 31-40, 42-45 and 48-49, the "operable to" phrases makes the claims indefinite and unclear in that neither means nor interrelationship of means are set forth in these claims in order to achieve the desired results expressed in the "operable to" phrases.

Examiner suggests deletion of the limitation "operable to" from the limitations of the claim since such limitation also may refer that such system is not operating the steps set forth in the claims language.

***Claim Rejections - 35 USC § 102***

11. **Claims 1, 3, 5-7, 10, 12-19, 24-26, 31-37, 42-45 and 47-49** are rejected under 35 U.S.C. 102(b) as being anticipated by Komura (6,260,145 B1).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art

and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Please see the former examiner's previous office action mailed 07/01/2005 and in the light of the examiner's remarks on 04/11/2006 & in the light of rejections of added limitations into the claims below.

**With respect to added limitations into claim 1:**

Komura disclose the limitation "verifying the identity of the designated at least one recipient (see fig.6 and associated text).

Komura disclose the limitation "upon verification" establishing a "secured" communication; "verifying the identity of the sender"; "wherein the sender and the designated at least one recipient do not verify the identity of each other" (see fig. 2-6, 8-11, 14-17 and associated text).

Claims 19 and 37 have added similar limitations into the claims and are rejected accordingly. The negative limitations also have no consequences since the third party is verifying the entities rather than them each other as disclosed in the above figures and their associated text.

**As per claims 49** Komura disclose such identity verification (see fig.2-6 and associated text).

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**As per claims 47-48 Komura discloses identity verification (see fig.2-9 and associated text).**

***Claim Rejections - 35 USC § 103***

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

12. **Claims 2,4,8,11, 20-23, 27-29 and 38-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Komura (6,260,145 B1) in view of an (6,715,073).

Please see the former examiner's previous office action mailed 07/01/2005 and in the light of examiner's remarks above.

**Conclusion**

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 273-3799. The fax phone numbers for the organization where this application or proceeding is assigned as 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KAMBIZ ZAND  
PRIMARY EXAMINER

08/24/2006

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